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July 21, 1997

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FEDERAL COMMUNICATIONS COMMISSION
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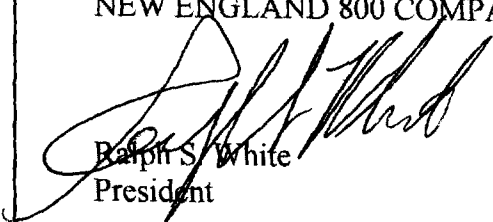
RE: In The Matter of Toll-Free Service Access Codes - CC Docket No. ⁹⁵05-155

To The Commissioners:

Enclosed please find the comments of New England 800 Company in the above entitled matter.

Sincerely,

NEW ENGLAND 800 COMPANY


Ralph S. White
President

Cc: FCC - Network Services Division, Common Carrier Bureau
ITS - Commissioners' Contractor for Public Records Duplication

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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JUL 21 1997

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155
)	
Petition to Modify 888 Number Allocation)	NSD File No. 97-10
Plan filed by LCI International, Inc.)	
)	
Petition to Modify 888 Number Allocation)	NSD File No. 97-15
Plan filed by UniDial, Inc.)	
)	
Petition to Modify 888 Number Allocation)	NSD File No. 97-16
Plan filed by Consolidated Communication)	
Telecom Services Inc.)	

COMMENTS OF NEW ENGLAND 800 COMPANY

New England 800 Company is a developer and provider of custom call center services for a wide range of businesses throughout the United States. Based in the small coastal community of Waldoboro, Maine (population 4,882), New England 800 has grown to nearly 100 employees since its founding in 1983, and has become one of the more-significant employers in its region of the state.

New England 800 relies heavily on high-technology, computer intensive processes to handle between 50,000 and 75,000 transactions for its customers each month. Calls are received and processed by a Northern Telecom digital telephone system, with fully integrated ACD, supporting multiple agent queues and sophisticated management reports. New England 800 Company employs a full-time software engineer and programming staff, developing all software systems in-house. Data is transmitted daily via e-mail, modem and computer-generated fax pages to client computers and fax machines located across the country.

The issues under consideration by the Commission in this docket are critical to the long-term interests of New England 800, and other similarly situated companies in the toll free call center industry. New England 800 respectfully submits that the Commission's Proposed Rulemaking in this docket overlooks these critical issues, and if adopted without significant revision, could do serious harm to the small call centers like New England 800. The recommendations we are filing today address these issues, and request appropriate revision in the Commission's final Order.

RECOMMENDATIONS

1. We ask the FCC to recognize that area codes and telephone numbers themselves, *toll-free or not*, are not generally propagated through the air; across vast distances, across political boundaries, or through structures erected by man. We ask the FCC to agree that **area codes** and **telephone numbers**:
 - a) Are the property of the intellect and businesses who created them or pay for them;
 - b) Simply facilitate the point-to-point transmission of voice and data along copper and fiber pathways from one specific location to a single, specific destination;
 - c) Do not, themselves, involve broadcast rights or air rights in any way;
 - d) Do not rely primarily upon the natural phenomenon of radio frequency transmission;
 - e) Do not belong to the government or to the public at large;
 - f) Are not in the public domain;
 - g) Are not candidates for taking by imminent domain; and, by virtue of any one of these points,
 - h) Are therefore not available for federal fund-raising by auction to the highest bidder.
2. We ask that those businesses requesting set-aside of '888 replicas' of their then current toll-free numbers prior to the deadline of December 1, 1995, be allowed to install those 888 replicas immediately.
3. We ask that all business users of toll-free telephone numbers be given reasonable notice and opportunity to request that certain toll-free numbers under their control be treated by the FCC as valuable trademarks and call brands; and to request that other businesses be precluded from publishing confusingly similar toll-free numbers when the difference is only in the first 3 digits, or toll-free prefix.
4. We ask the FCC to reserve one or more new toll-free prefixes for the exclusive use by individuals, or by businesses when that use is primarily a "one-to-one" application, i.e., applications where toll-free numbers "point" to pagers, cell-phones, home telephone numbers, and the like.
5. We ask the FCC to phase in the requirement that all current toll-free numbers pointing to pagers, cell-phones, home telephone numbers, and the like be changed from existing '800' or '888' prefixes to new toll-free numbers with one of the newly assigned prefixes.
6. We ask that the FCC set aside the current 800 and 888 prefixes for the exclusive use of businesses which reasonably demonstrate that the toll-free number under

consideration will be used primarily for communication by customers and prospects of that business, i.e., for "many-to-one" applications.

7. We ask the FCC to revise its language regarding warehousing of telephone numbers, *toll-free or not*. We ask that businesses be allowed to maintain a reasonable quantity of telephone numbers not yet in service, or not yet carrying significant traffic, when it can be reasonably demonstrated that these telephone numbers have been reserved or provisioned in anticipation of some future business requirement.
8. We ask the FCC to revise its language concerning the brokering or selling of telephone numbers, *toll-free or not*. In this regard, we ask that telephone numbers be treated as any other valuable trademark or intellectual property would be treated.
9. We ask the FCC to strike the word "vanity" and the phrase "vanity number" from its vocabulary and replace each with a more accurate term such as "call brand," "acronym," or "alpha-numeric telephone code." In our view, the use of the term "vanity number" to refer to call branded numbers unnecessarily diminishes the importance of the issues related to the use of these numbers, and suggests a lack of concern on the part of the Commission for the legitimate interests of an important industry.

For all of these reasons, New England 800 urges the Commission to revise its Proposed Rulemaking in this docket, and adopt the recommendations outlined above.

Respectfully Submitted,

Ralph White /mk

New England 800

By: Ralph S. White

Its President

251 Jefferson Street

Waldoboro, Maine 04572



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